

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ANN S. CAMPBELL and MORRIS H.  
CAMPBELL,

Plaintiffs,

v.

Case No: 2:19-cv-545-FtM-38NPM

ALLSTATE INSURANCE  
COMPANY, a corporation,

Defendant.

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**ORDER**

This matter is before the Court on the Motion to Stay All Deadlines, filed on January 8, 2020. (Doc. 16). Defendant Allstate Insurance Company, a carrier participating in the National Flood Insurance Program, informs the Court that unfortunately, on December 6, 2019, Plaintiffs' counsel, Samuel W. Bearman unexpectedly passed away. (*Id.*, p. 2). Defendant represents that Mr. Bearman was a sole practitioner who had a claims consultant to assist in his cases. (*Id.*). Apparently, Mr. Bearman did not have a succession plan filed with the Florida Bar and his widow has retained counsel to open an estate and assist in identifying other counsel to represent Mr. Bearman's clients in this and other matters. (*Id.*). Allstate requests that the Court stay the deadlines in this action for ninety (90) days to allow time for Plaintiffs to retain new counsel, if they so choose.

An estate for Mr. Bearman was opened on December 19, 2019. See Order (Doc. 29) in *Picard v. USAA Gen. Indem. Co.*, No. 3:19-cv-307-J-39JBT. The state court appointed Phyllis Bearman as the Personal Representative and she is represented by

attorney Artice L. McGraw. *Id.*, pp. 1-2. They are attempting to obtain authorization to conduct the affairs of Mr. Bearman's law practice, including finding competent attorneys to continue prosecuting Mr. Bearman's cases. *Id.*, p. 2.

For these reasons, the Court finds it appropriate to stay the deadlines in this case and cancel the Preliminary Pretrial Conference set on January 30, 2020. The Court directs Defendant's counsel, **on or before March 13, 2020**, to confer with Mr. McGraw (or any successor counsel retained by Plaintiffs) and file a joint status update regarding whether the parties are prepared to proceed.

Accordingly, it is hereby **ORDERED**:

- (1) The Motion to Stay All Deadlines (Doc. 16) is **GRANTED**.
- (2) The deadline to file a Case Management Report is vacated and will be reset upon further Order of the Court.
- (3) The Preliminary Pretrial Conference scheduled for January 30, 2020 is cancelled and will be reset by separate notice.
- (4) On or before **March 13, 2020**, Defendant shall confer with Mr. McGraw (or any successor counsel retained by Plaintiffs) and the parties shall file a joint status update regarding whether the parties are prepared to proceed. If Plaintiffs have not retained substitute counsel, then the notice shall include contact information for Plaintiffs.
- (5) The Clerk of Court is directed to provide copies of this Order by U.S. mail and email to Mr. McGraw and Dennis Abbott, Mr. Bearman's claims consultant, at the addresses listed below.

(6) The Clerk of Court is further directed to administratively close the file pending further order of the Court.

**DONE** and **ORDERED** in Fort Myers, Florida on January 15, 2020.

  
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NICHOLAS P. MIZELL  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties

Artice L. McGraw, Esq.  
917 North Twelfth Avenue  
Pensacola, FL 32501  
ArticeLMcGraw@ArticeLMcGraw.com

Dennis Abbott  
820 North 12th Avenue  
Pensacola, FL 32501  
dabbott@bearmanlaw.com